

Hearing Officer Transmittal Checklist

Hearing Date
May 7, 2013
Agenda Item No.

4

Project Number: R2012-00182-(3)
Case(s): Oak Tree Permit No. 201200005
Environmental Assessment No. 201200027
Planner: Travis Seawards

- ☒ Factual
- ☒ Property Location Map
- ☒ Staff Report
- ☐ Draft Resolution / Draft Ordinance / 8.5x11 Map (ZC or PA)
- ☒ Draft Findings
- ☒ Draft Conditions
- ☒ Burden of Proof Statement(s)
- ☒ Oak Tree Report
- ☐ Environmental Documentation (ND / MND / EIR)
- ☐ Old Conditions
- ☐ Correspondence
- ☒ Photographs
- ☐ Aerial Image(s)
- ☐ Land Use Radius Map
- ☐ Tentative Tract / Parcel Map
- ☒ GIS Layers Map
- ☒ Site Plan / Floor Plans / Elevations – Oak Tree Site Plan
- ☐ Exhibit Map
- ☐ Landscaping Plans

Reviewed By: 



Department of Regional Planning
320 West Temple Street
Los Angeles, California 90012

PROJECT NUMBER R2012-00182-(3)
HEARING DATE May 7, 2013

PROJECT SUMMARY

REQUESTED ENTITLEMENTS
Oak Tree Permit No. 201200005
Plot Plan No. 201200084
Environmental Assessment No. 201200084

OWNER / APPLICANT

Leonard Werbin

MAP/EXHIBIT DATE

August 20, 2012

PROJECT OVERVIEW

The project is a request for an Oak Tree Permit to allow the encroachment into the protected zone of 22 oak trees for the construction of a driveway for a single-family residence. In 1992, land was graded and cleared to build a driveway and encroached into the protected zone of 14 oak trees. A Notice of Violation was issued on October 12, 1993, and the site has remained undeveloped since that time. The subject property was purchased by new owners in 2009. A Yard Modification Permit was approved on September 12, 2012, and a single-family residence is a permitted use in the Light Agricultural Zone. The Oak Tree Permit addresses the past encroachments to the 14 oak trees, as well as potential future encroachments to all 22 oak trees on the site that may occur during construction activities to complete the single-family residence.

LOCATION

27600 Country Glen Rd., Santa Monica Mtns.
North Area

ACCESS

Country Glen Rd.

ASSESSORS PARCEL NUMBER(S)

2063008013

SITE AREA

40 Acres

GENERAL PLAN / LOCAL PLAN

Santa Monica Mountains North Area Plan

ZONED DISTRICT

The Malibu

LAND USE DESIGNATION

N20 – Mountain Lands 20

ZONE

A-1-20 (Light Agriculture – 20 Acre Minimum required)

PROPOSED UNITS

1

MAX DENSITY/UNITS

N/A

COMMUNITY STANDARDS DISTRICT

Santa Monica Mountains North Area

ENVIRONMENTAL DETERMINATION (CEQA)

Class 4 Categorical Exemption – Minor Alterations to Land

KEY ISSUES

- Yard Modification approved on September 12, 2012. Plot Plan for single-family residence requires a ministerial approval and will be completed upon approval of the oak tree permit.
- Satisfaction of the following Section(s) of Title 22 of the Los Angeles County Code:
 - 22.56.2100 (Oak Tree Permit Burden of Proof Requirements)

CASE PLANNER:

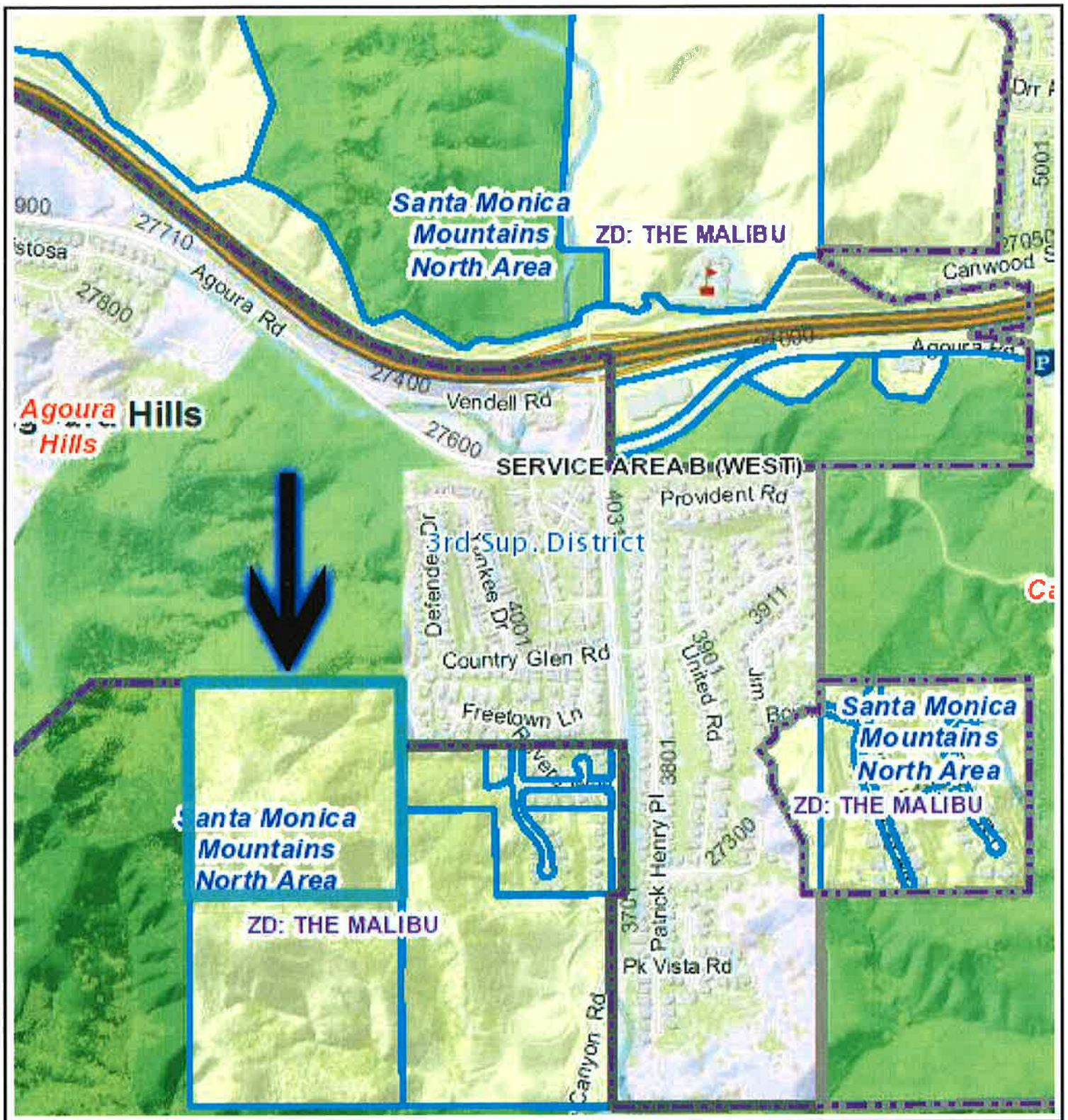
Travis Seawards

PHONE NUMBER:

(213) 974 - 6462

E-MAIL ADDRESS:

TSeawards@planning.lacounty.gov



Department of Regional Planning R2012-00182-(3): Property Location Map

Printed: Apr 08, 2013



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Feet

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ENTITLEMENTS REQUESTED

- Oak Tree Permit to allow the encroachment into the protected zone of 22 oak trees for the construction of a driveway for a single-family residence in the A-1-20 (Light Agricultural – 20 Acre Minimum Required Lot Area) Zone pursuant to County Code Section 22.56.2060.
- Plot Plan 201200084 to approve the construction of a 5,296 sq. ft. single-family residence in the A-1-20 Zone pursuant to County Code Section 22.24.070. A plot plan is a ministerial review and is not subject to discretion.

PROJECT DESCRIPTION

The project is a request for an Oak Tree Permit to authorize the encroachment into the protected zone of 22 oak trees for the construction of a driveway for a single-family residence. In 1992, land was graded and cleared to build a driveway and encroached into the protected zone of 14 oak trees. A Notice of Violation was issued on October 12, 1993, and the site has remained undeveloped since that time. The Oak Tree Permit would authorize the past encroachment of to the 14 oak trees, and any potential future encroachment to all 22 oak trees on the site for the construction activities needed to complete the driveway and single-family residence.

The subject property was purchased by new owners in 2009. The site plan depicts a 40-acre parcel that is accessed from Country Glen Road, which is a cul-de-sac road in the City of Agoura Hills. The project site is steeply-sloped and is surrounded by undeveloped vacant land to the west, north, and south. The project site is undeveloped except for a 588-foot long, 20-foot-wide driveway that was graded and compacted in 1992, and a 125.5 foot long wall in the front yard setback along the eastern parcel boundary. The wall in the front yard setback required a Yard Modification Permit, which was approved on September 12, 2012.

The owners have applied to build a single-family residence on the property. A single-family residence requires a plot plan approval in the A-1 Zone. Past construction activities related to the grading and clearing of the driveway, plus activities to complete the driveway, require an Oak Tree Permit. Construction activities for the completion of the single-family residence will not impact any oak trees. The wall in the front yard setback also requires a yard modification, which was approved on September 12, 2012.

The project site contains 22 oak trees. The construction of the driveway and the wall encroached into the protected zone of 14 oak trees. The impacted Oak Trees are numbered on the site plan as follows: 5601, 5603, 5604, 5606, 5607, 5610, 5611, 5612, 5613, 5614, 5615, 5616, 5619, and 5621. A certified arborist completed an Oak Tree report for the project. The Oak Tree Report addresses the past encroachments to the 14 oak trees, as well as potential future encroachments to all 22 oak trees on the site that may occur during construction activities to complete the single-family residence.

EXISTING ZONING

The subject property is zoned A-1-20, in the Malibu Zoned District.

Surrounding properties are zoned as follows:

North: City of Agoura Hills – low density single-family residential and open space

South: A-1-20 and O-S (Open Space)

East: City of Agoura Hills – low density single-family residential, A-1-22,000 (Light Agricultural – 22,000 Square Foot Minimum Required Lot Area) and R-1-22,000 (Single-Family Residential - 22,000 Square Foot Minimum Required Lot Area).

West: O-S

EXISTING LAND USES

The subject property is steeply-sloped vacant land and is undeveloped except for a 588-foot long, 20-foot-wide driveway that was graded and compacted in 1992, and a 125.5 foot long wall in the front yard setback along the eastern parcel boundary.

Surrounding properties are developed as follows:

North: City of Agoura Hills – low density single-family residences and the Abrams Open Space

South: Undeveloped, rural open space and Malibu Creek State Park

East: Low density single-family residences and undeveloped, rural land

West: Malibu Creek State Park

PREVIOUS CASES/ZONING HISTORY

The Department of Regional Planning does not have a record of approval for the activities related to the grading and clearing of land for the driveway in 1992. Other relevant case history includes the following:

- Oak Tree Permit 89380 and Parcel Map 21617: An application for the subdivision of the lot into four parcels and for the removal of four oak trees on the subject property was submitted on August 21, 1989 and was denied on February 7, 2006, due to inactivity.
- Yard Modification Permit No. 201200084: Approved an existing eight-foot tall wrought iron wall in the required front yard setback on September 12, 2012.

ENVIRONMENTAL DETERMINATION

Los Angeles County ("County") Staff recommends that this project qualifies for a Categorical Exemption (Class 4 Exemption, Minor Alterations to Land, under the California Environmental Quality Act (CEQA) and the County environmental guidelines. Oak trees were impacted by the construction of a driveway and a wall and encroached into the protected zone of 14 oak trees. A certified arborist completed an Oak Tree Report for the project, and per their analysis, no new impacts are expected to occur during the construction needed to complete the single-family residence and finish the driveway. Therefore, staff recommends that the Regional Planning Commission determine that the project is categorically exempt from CEQA.

STAFF EVALUATION

General Plan/Community Plan Consistency

The project site is located within the N20 – Mountain Lands 20 of the Santa Monica Mountains North Area Plan. The N20 land use designation is intended for rolling hillside

area with steep slopes and mountain lands. The land use category lists low density single-family residential uses as a permitted land use, and therefore an oak tree permit in conjunction with a single-family residence is consistent with the underlying land use category.

Zoning Ordinance and Development Standards Compliance

The project site is currently undeveloped except for an unfinished driveway and a wall along the eastern parcel boundary. Plot Plan 201200084 will approve the construction of a 5,296 square foot single-family residence on the subject property. The proposed residence is compliant with all relevant zoning ordinance and development standards from the County Code. The plot plan is approved through a ministerial review, but an oak tree permit requires a discretionary action.

Neighborhood Impact/Land Use Compatibility

The oak tree permit process was established to recognize oak trees as significant historical, aesthetic and ecological resources and to create favorable conditions for the preservation and propagation of this unique resource. It is the intent of the oak tree permit to maintain and enhance the general health, safety and welfare by assisting in counteracting the air pollution and in minimizing soil erosion and other related environmental damage. The oak tree permit is also intended to preserve and enhance property values by conserving and adding to the distinctive and unique aesthetic character of many areas of Los Angeles County in which oak trees are indigenous. An oak tree's protected zone is defined as that area within the dripline of an oak tree and extending from to a point at least five feet outside the dripline, or 15 feet from the trunks of a tree, whichever distance is greater. The stated objective of the oak tree permit is to preserve and maintain healthy oak trees in the development process.

The grading and clearing of land in 1992 for the driveway and wall encroached into the protected zone of 14 oak trees. The applicant filed an oak tree permit to retroactively comply with rules protecting oak trees. The Oak Tree Report, completed by a certified arborist (final revision date February 12, 2013), identified the 14 oak trees that were encroached by the driveway and wall. The Oak Tree Report addresses the past encroachments to the 14 oak trees, as well as potential future encroachments to all 22 oak trees on the site that may occur during construction activities to complete the single-family residence.

Approval of the oak tree permit requiring adherence to conditions for this permit, and Forester's conditions dated December 13, 2012, will bring the project into compliance for these activities.

Burden of Proof

The applicant is required to substantiate all facts identified by Section 22.56.2100 of the Los Angeles County Code. The burden of proof with applicant's responses is attached. Staff is of the opinion that the applicant has met the burden of proof.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

The County Fire Department was consulted and is of the opinion that the oak tree report prepared by a certified arborist on November 30, 2011 and revised February 12, 2013 accurately addresses the impacts to the oak resources on the site. The Forester recommends approval of the Oak Tree Permit, subject to the conditions provided in the Forester's report of December 13, 2012. No special conditions were attached to the project.

LEGAL NOTIFICATION AND PUBLIC OUTREACH

Pursuant to the provisions of Sections 22.56.2130 of the County Code, the community was appropriately notified of the public hearing.

PUBLIC COMMENTS

Staff has not received any comments at this time.

FEES/DEPOSITS

If approved, fees identified in the attached project conditions will apply unless modified by the Regional Planning Commission.

STAFF RECOMMENDATION

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing:

Staff recommends **APPROVAL** of Project Number R2012-00182-(3), Oak Tree Permit Number 201200005, subject to the attached conditions.

SUGGESTED APPROVAL MOTION

I MOVE THAT THE HEARING OFFICER CLOSE THE PUBLIC HEARING, FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO CEQA REPORTING REQUIREMENTS AND APPROVE OAK TREE PERMIT NUMBER 201200005 WITH FINDINGS AND CONDITIONS.

Prepared by Travis Seawards, Regional Planning Asst. II
Reviewed by Mi Kim, Supervising Regional Planner, Zoning Permits West

Attachments:
Draft Findings
Draft Conditions of Approval
Applicant's Burden of Proof statement
Correspondence
Site Photographs
Site Plan

MKK:TSS

PROJECT NO. R2012-00182-(3)
OAK TREE PERMIT NO. 201200005

STAFF ANALYSIS
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**DRAFT FINDINGS AND ORDER OF THE HEARING OFFICER
COUNTY OF LOS ANGELES
PROJECT NO. R2012-00182-(3)
OAK TREE PERMIT NO. 201200005**

1. **ENTITLEMENT REQUESTED.** The applicant, Leonard Werbin, is requesting an Oak Tree Permit to authorize the past encroachment and any future encroachment into the protected zone of 22 oak trees for the construction of a driveway for a single-family residence in the A-1-20 (Light Agricultural – 20 Acre Minimum Required Lot Area) Zone pursuant to County Code Section 22.56.2060.
2. **HEARING DATE.** May 7, 2013
3. **PROCEEDINGS BEFORE THE HEARING OFFICER.**
4. **PROJECT DESCRIPTION.** The project is a request for an Oak Tree Permit to authorize the encroachment into the protected zone of 22 oak trees for the construction of a driveway for a single-family residence. In 1992, land was graded and cleared to build a driveway and encroached into the protected zone of 14 oak trees. A Notice of Violation was issued on October 12, 1993, and the site has remained undeveloped since that time. The subject property was purchased by new owners in 2009. The project site is undeveloped except for a 588-foot long, 20-foot-wide driveway that was graded and compacted in 1992, and a 125.5 foot long wall in the front yard setback along the eastern parcel boundary. The wall in the front yard setback required a Yard Modification Permit, which was approved on September 12, 2012. The owners have applied to build a single-family residence on the property. A single-family residence requires a plot plan approval in the A-1 Zone. The Oak Tree Permit addresses the past encroachments to the 14 oak trees, as well as potential future encroachments to all 22 oak trees on the site that may occur during construction activities to complete the single-family residence.
5. **LOCATION.** The subject property is located at 27600 Country Glen Road in the Santa Monica Mountains North Area in the Malibu Zoned District.
6. **SITE PLAN DESCRIPTION.** The site plan depicts a 40-acre parcel that is accessed from Country Glen Road. The project site is located within unincorporated Los Angeles County but the access road, County Glen Road, is a cul-de-sac road in the City of Agoura Hills. The project site is steeply-sloped and is surrounded by undeveloped vacant land to the west, north, and south. The project site is undeveloped except for a 588-foot long, 20-foot-wide driveway that was graded and compacted in 1992, and a 125.5 foot long wall in the front yard setback along the eastern parcel boundary. The project site contains 22 oak trees. The oak trees were impacted by the construction of the driveway and the wall and encroached into the protected zone of 14 oak trees. The impacted Oak Trees are numbered on the site plan as follows: 5601, 5603, 5604, 5606, 5607, 5610, 5611, 5612, 5613, 5614, 5615, 5616, 5619, and 5621. A certified arborist completed an Oak Tree report for the project. The Oak Tree Report addresses the past

encroachments to the 14 oak trees, as well as potential future encroachments to all 22 oak trees on the site that may occur during construction activities to complete the single-family residence.

7. **EXISTING ZONING.** The subject property is zoned A-1-20. Surrounding properties are zoned as follows: to the north is the City of Agoura Hills and contains low density single-family residential and open space; to the south is A-1-20 and O-S (Open Space); to the east is the City of Agoura Hills and A-1-22,000 (Light Agricultural – 22,000 Square Foot Minimum Required Lot Area) and R-1-22,000 (Single-Family Residential - 22,000 Square Foot Minimum Required Lot Area) zones, and to the west is O-S.
8. **EXISTING LAND USES.** The subject property is steeply-sloped vacant land and is undeveloped except for a 588-foot long, 20-foot-wide driveway that was graded and compacted in 1992, and a 125.5 foot long wall in the front yard setback along the eastern parcel boundary. Surrounding properties are developed as follows: to the north in the City of Agoura Hills are low density single-family residences and the Abrams Open Space; to the south is undeveloped, rural open space and Malibu Creek State Park; to the east is low density single-family residences and undeveloped, rural land; and to the west is Malibu Creek State Park.
9. **PREVIOUS CASES/ZONING HISTORY.** On August 21, 1989, Oak Tree Permit 89380 and Parcel Map 21617 proposed to subdivide the subject property into four parcels, and to remove four oak trees. These applications were denied on February 7, 2006, due to inactivity. On September 12, 2012, Yard Modification Permit No. 201200084 approved an existing eight-foot tall wrought iron wall in the required front yard setback.
10. **GENERAL PLAN / COMMUNITY PLAN CONSISTENCY.** The project site is located within the N20 – Mountain Lands 20 of the Santa Monica Mountains North Area Plan. The N20 land use designation is intended for rolling hillside area with steep slopes and mountain lands. The land use category lists low density-single-family residential uses as a permitted land use. An oak tree permit in conjunction with a single-family residence is consistent with the underlying land use category.
11. **ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE.** The project site is currently undeveloped except for a driveway and a wall along the eastern parcel boundary. A single-family residence is a permitted use in the A-1 Zone. Plot Plan 201200084 has been submitted in conjunction with this oak tree permit and will approve the construction of a 5,296 square foot single-family residence on the subject property upon approval of the oak tree permit. The proposed residence and plot plan is compliant with all relevant zoning ordinance and development standards from the County Code.
12. **NEIGHBORHOOD IMPACT/LAND USE COMPATIBILITY.** The past construction of the driveway and wall encroached into the protected zone of 14 oak trees. The

applicant filed an oak tree permit to retroactively comply with rules protecting oak trees. The Oak Tree Report, completed by a certified arborist (dated February 12, 2013), identified the 22 oak trees on the site and the past 14 oak tree encroachments. The report states that subsequent construction activities related to the completion of the single-family residence are not expected to have additional impacts to the 22 oak trees. Approval of the oak tree permit requiring adherence to conditions for this permit and Forester's conditions (dated December 13, 2012), will bring the project into compliance for these activities. Additionally, a single-family is an allowed use on the subject parcel. Therefore, the project is compatible with the surrounding development patterns and a single-family residence will not negatively impact the neighborhood.

13. **COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS.** The County Fire Department was consulted and is of the opinion that the oak tree report prepared by a certified arborist on November 30, 2011 and revised February 12, 2013 accurately addresses the impacts to the oak resources on the site. The Forester recommends approval of the Oak Tree Permit, subject to the conditions provided in the Forester's report of December 13, 2012, and no special conditions were attached to the project.
14. **OTHER AGENCY COMMENTS AND RECOMMENDATIONS.** A Geotechnical report was completed for the construction of the single-family residence by C.Y. Geotech on July 14, 2010. The report found that the development of a single-family residence at the subject site is feasible from geologic and geotechnical engineering viewpoints provided the report's recommendations are followed. The single-family residence is a by-right use that is approved through a plot plan review and must comply with all requirements of the Los Angeles County Building and Safety Code.
15. **LEGAL NOTIFICATION AND PUBLIC OUTREACH.** Pursuant to the provisions of Sections 22.56.2130 of the County Code, the community was appropriately notified of the public hearing.
16. **PUBLIC COMMENTS.** Staff has not received any public comments at this time.

OAK TREE PERMIT SPECIFIC FINDINGS

17. The project site contains 22 oak trees, and 14 oak trees were impacted by the construction of a driveway and a wall in 1992. The project site is proposed to be developed with a single-family residence. A certified arborist completed an Oak Tree report for the project, and per their analysis, no new impacts are expected to occur during the construction needed to complete the single-family residence. Therefore, the proposed construction of a single-family residence will be accomplished without endangering the health of the remaining trees subject to this Part 16, if any, on the subject property.
18. A certified arborist completed an Oak Tree report for the project, and per their analysis, no new impacts are expected to occur during the construction needed to

complete the single-family residence and there will be no new encroachments or removals of oak trees on the site. Therefore the project will not result in soil erosion.

19. The construction of the project site driveway is unavoidable without encroaching into the protection zone of 14 oak trees. The driveway was cleared and graded in 1992 to allow access to the property without the removal or replacement of any oak trees. Therefore, the removal or relocation of the oak tree(s) is not necessary.
20. The oak tree permit process was established to recognize oak trees as significant historical, aesthetic and ecological resources and to create favorable conditions for the preservation and propagation of this unique resource. Past activities for the construction of a driveway and a wall encroached into the protected zone of 14 oak trees. A certified oak tree report states that no new activities are expected to impact any remaining oak tree resources on the site. Therefore, the project will not be contrary to or be in substantial conflict with the intent and purpose of the oak tree permit procedure

ENVIRONMENTAL DETERMINATION

21. Oak trees were impacted by the construction of a driveway and a wall and encroached into the protected zone of 14 oak trees. A certified arborist completed an Oak Tree report for the project, and per their analysis, no new impacts are expected to occur to the 22 total oak trees on the site during the construction needed to complete the single-family residence. Therefore, Los Angeles County ("County") Staff recommends that this project qualifies for a Categorical Exemption (Class 4 Exemption, Minor Alteration to Land), under the California Environmental Quality Act (CEQA) and the County environmental guidelines and finds that the project is categorically exempt from CEQA.
22. **RECORD OF PROCEEDINGS.** The location of the documents and other materials constituting the record of proceedings upon which the Regional Planning Commission's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits West Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

WITH RESPECT TO THE OAK TREE PERMIT

- A. That the proposed construction of proposed use will be accomplished without endangering the health of the remaining trees subject to this Part 16, if any, on the subject property; and

- B. That the removal or relocation of the oak tree(s) proposed will not result in soil erosion through the diversion or increased flow of surface waters which cannot be satisfactorily mitigated; and
- C. That in addition to the above facts, at least one of the following findings apply:
- a. That the removal or relocation of the oak tree(s) proposed is necessary as continued existence at present location(s) frustrates the planned improvement or proposed use of the subject property to such an extent that:
 - i. Alternative development plans cannot achieve the same permitted density or that the cost of such alternative would be prohibitive, or
 - ii. Placement of such tree(s) precludes the reasonable and efficient use of such property for a use otherwise authorized, or
 - b. That the oak tree(s) proposed for removal or relocation interferes with utility services or streets and highways, either within or outside of the subject property, and no reasonable alternative to such interference exists other than removal of the tree(s), or
 - c. That the condition of the oak tree(s) proposed for removal with reference to seriously debilitating disease or danger or falling is such that it cannot be remedied through reasonable preservation procedures and practices;
- D. That the removal of the oak tree(s) proposed will not be contrary to or be in substantial conflict with the intent and purpose of the oak tree permit procedure.

THEREFORE, the information submitted by the applicant and presented at the public hearing/meeting substantiates the required findings for an Oak Tree Permit as set forth in Section 22.56.2100 of the Los Angeles County Code (Zoning Ordinance).

HEARING OFFICER COMMISSION ACTION:

1. The Hearing Officer has considered the Categorical Exemption for this project and certifies that it is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment.
2. In view of the findings of fact and conclusions presented above, Oak Tree Permit No. 201200005 is approved subject to the attached conditions.

MKK:TSS
2/25/13

c: Hearing Officer, Zoning Enforcement, Building and Safety

**DRAFT CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2012-00182-(3)
OAK TREE PERMIT NO. 201200005**

PROJECT DESCRIPTION

The project is a request for an Oak Tree Permit to encroach into the protected zone of 22 oak trees for the construction of a single-family residence, subject to the following conditions of approval:

GENERAL CONDITIONS

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and until all required monies have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, and 9, shall be effective immediately upon the date of final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall fully cooperate in the defense. If the County fails to promptly notify the permittee of any claim action or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, whether or not the permittee proposes any modifications to the use at that time, the permittee shall file a new Oak Tree Permit application with Regional Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least six (6) months prior to the expiration date of this grant and shall be accompanied by the required fee. In the event that the permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of such property may require additional or different permits and would be subject to the then-applicable regulations.
9. This grant shall expire unless used within two (2) years from the date of final approval of the grant. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of \$200.00. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for one inspection. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.
12. All development pursuant to this grant must be kept in full compliance with the County Fire Code.
13. All development shall comply with the requirements of Title 22 of the County Code ("Zoning Ordinance") and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director.
14. All development pursuant to this grant shall conform with the requirements of County Department of Public Works.
15. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of notification of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

16. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." If changes to the site plan are required as a result of instruction given at the public hearing, **three (3) copies** of a modified Exhibit "A" shall be submitted to Regional Planning within sixty (60) days of the date of final approval.

17. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **three (3) copies of copies of** the proposed plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

PERMIT SPECIFIC CONDITIONS – OAK TREE PERMIT

18. This permit shall not be effective until a plot plan is approved for the construction of a single-family residence demonstrating the need to remove/encroach upon the said trees.
19. The permittee shall comply with all conditions and requirements contained in the County of Los Angeles Forester and Fire Warden, Forestry Division, letter dated December 13, 2012 (attached hereto), to the satisfaction of said Division, except as otherwise required by said Division.
20. For any one tree that dies as a result of an encroachment, the permittee shall plant one healthy acorn of the same species of oak (*Quercus* sp.) as the tree that died for each mitigation tree planted. The acorns shall be planted at the same time as and within the watering zone of each mitigation tree.
21. All replacement trees shall be planted on native undisturbed soil and shall be the same species of oak (*Quercus* sp.) as the removed tree. The location of the replacement tree shall be in the vicinity of other oak trees of the same species. A layer of humus and litter from beneath the canopy of the removed tree shall also be applied to the area beneath the canopies of the replacement trees to further promote the establishment of mycorrhizae within their rooting zones.
22. When replacement trees are planted on disturbed soil or are not in the vicinity of the same species of oak (*Quercus* sp.) as the removed tree, planting shall incorporate a mycorrhizal product, either as amendment or in the first two irrigations or watering of planted trees (i.e. "mycorrhizaROOTS" or similar product) in accordance with the label's directions. A layer of humus and litter from beneath the canopy of the removed tree shall also be applied to the area beneath the canopies of the replacement trees to further promote the establishment of mycorrhizae within their rooting zones.

PROJECT SITE SPECIFIC CONDITIONS

23. This grant shall authorize the past encroachment into the protected zone of 14 oak trees and any future encroachment into the protected zone of the 22 oak trees on the site for the construction of the driveway and single-family residence.

Attachments:

County Forester's Letter dated December 13, 2012
Oak Trees: Care and Maintenance Guide



COUNTY OF LOS ANGELES

FIRE DEPARTMENT

1320 NORTH EASTERN AVENUE
LOS ANGELES, CALIFORNIA 90063-3294
(323) 890-4330

DARYL L. OSBY
FIRE CHIEF
FORESTER & FIRE WARDEN

December 13, 2012

Travis Seawards, Planner
Department of Regional Planning
Zoning Permits Section
320 West Temple Street
Los Angeles, CA 90012

Dear Mr. Seawards:

OAK TREE PERMIT NUMBER 2012-00005
PROJECT NUMBER R2012-00182-(3)
27600 COUNTRY GLEN ROAD, AGOURA HILLS

We have reviewed the "Request for Oak Tree Permit #2012-00005." The project is located at 27600 Country Glen Road in the unincorporated area of Agoura Hills. The Oak Tree Report is accurate and complete as to the location, size, condition and species of the Oak trees on the site. The term "Oak Tree Report" refers to the document on file by Kay J. Greeley, the consulting arborist, dated September 7, 2010.

We recommend the following as conditions of approval:

OAK TREE PERMIT REQUIREMENTS:

1. This grant shall not be effective until the permittee and the owner of the property involved (if other than the permittee), have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of and agree to accept all conditions of this grant. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation or other entity making use of this grant.
2. The permittee shall, prior to commencement of the use authorized by this grant, deposit with the County of Los Angeles Fire Department a sum of \$300. Such fees shall be used to compensate the County Forester \$100 per inspection to cover expenses incurred while

SERVING THE UNINCORPORATED AREAS OF LOS ANGELES COUNTY AND THE CITIES OF:

AGOURA HILLS
ARTESIA
AZUSA
BALDWIN PARK
BELL
BELL GARDENS
BELLFLOWER
BRADBURY

CALABASAS
CARSON
CERRITOS
CLAREMONT
COMMERCE
COVINA
CUDAHY

DIAMOND BAR
DUARTE
EL MONTE
GARDENA
GLENDALE
HAWAIIAN GARDENS
HAWTHORNE

HIDDEN HILLS
HUNTINGTON PARK
INDUSTRY
INGLEWOOD
IRVINDALE
LA CANADA FLINTRIDGE
LA HABRA

LA MIRADA
LA PUENTE
LAKEWOOD
LANCASTER
LAWDALE
LOMITA
LYNWOOD

MALIBU
MAYWOOD
NORWALK
PALMDALE
PALOS VERDES ESTATES
PARAMOUNT
PICO RIVERA

POMONA
RANCHO PALOS VERDES
ROLLING HILLS
ROLLING HILLS ESTATES
ROSEMEAD
SAN DIMAS
SANTA CLARITA

SIGNAL HILL
SOUTH EL MONTE
SOUTH GATE
TEMPLE CITY
WALNUT
WEST HOLLYWOOD
WESTLAKE VILLAGE
WHITTIER

inspecting the project to determine the permittee's compliance with the conditions of approval. The above fees provide for one (1) initial inspection prior to the commencement of construction and two (2) subsequent inspections until the conditions of approval have been met. The Director of Regional Planning and the County Forester shall retain the right to make regular and unannounced site inspections.

3. Before commencing work authorized or required by this grant, the consulting arborist shall submit a letter to the Director of Regional Planning and the County of Los Angeles Fire Department, Forestry Division, stating that he or she has been retained by the permittee to perform or supervise the work, and that he or she agrees to report to the Director of Regional Planning and the County Forester, any failure to fully comply with the conditions of the grant. The arborist shall also submit a written report on permit compliance upon completion of the work required by this grant. The report shall include a diagram showing the exact number and location of all mitigation trees planted as well as planting dates.
4. The permittee shall arrange for the consulting arborist or a similarly qualified person to maintain all remaining Oak trees on the subject property that are within the zone of impact, as determined by the County Forester for the life of the Oak Tree Permit or the Conditional Use Permit.
5. The permittee shall install temporary chain link fencing, not less than four (4) feet in height, to secure the protected zone of all remaining Oak trees on site, as necessary. The fencing shall be installed prior to grading or tree removal, and shall not be removed without approval of the County Forester. The term "protected zone" refers to the area extending five (5) feet beyond the dripline of the Oak tree (before pruning), or fifteen (15) feet from the trunk, whichever is greater.
6. Copies of the Oak Tree Report, Oak tree map, mitigation planting plan and conditions of approval, shall be kept on the project site and available for review. All individuals associated with the project as it relates to the Oak resource shall be familiar with the Oak Tree Report, Oak tree map, mitigation planting plan and conditions of approval.

PERMITTED OAK TREE ENCROACHMENT:

7. This grant allows encroachment within the protected zone of twenty-two (22) trees of the Oak genus identified as Tree Numbers 5601 through 5622 on the applicant's site plan and Oak Tree Report. Trenching, excavation, or clearance of vegetation within the protected zone of an Oak tree shall be accomplished by the use of hand tools or small hand-held power tools. Any major roots encountered shall be conserved to the greatest extent possible and treated as recommended by the consulting arborist.
8. In addition to the work expressly allowed by this permit, remedial pruning intended to ensure the continued health of a protected Oak tree or to improve its appearance or structure may be performed. Such pruning shall include the removal of deadwood and stubs and medium pruning of branches two-inches in diameter or less in accordance with the guidelines published by the National Arborist Association. Copies of these guidelines

are available from the County of Los Angeles Fire Department, Forestry Division. In no case shall more than 20% of the tree canopy of any one tree be removed.

9. Except as otherwise expressly authorized by this grant, the remaining Oak trees shall be maintained in accordance with the principles set forth in the publication, "Oak Trees: Care and Maintenance," prepared by the County of Los Angeles Fire Department, Forestry Division. A copy of the publication is enclosed with these conditions.

MITIGATION TREES:

10. The permittee shall provide mitigation trees of the Oak genus at a rate of two to one (2:1) for any tree specified above, that dies as a result of the approved encroachments.
11. Each mitigation tree shall be at least a 15-gallon specimen in size and measure one (1) inch or more in diameter one (1) foot above the base. Free form trees with multiple stems are permissible provided the combined diameter of the two (2) largest stems of such trees measure a minimum of one (1) inch in diameter one (1) foot above the base.
12. Mitigation trees shall consist of indigenous varieties of Quercus agrifolia, grown from a local seed source.
13. Mitigation trees shall be planted within one (1) year of the permitted Oak tree removals. Mitigation trees shall be planted either on site or at an off-site location approved by the County Forester. Alternatively, a contribution to the County of Los Angeles Oak Forest Special Fund may be made in the amount equivalent to the Oak resource loss. The contribution shall be calculated by the consulting arborist and approved by the County Forester according to the most current edition of the International Society of Arboriculture's "Guide for Plant Appraisal."
14. The permittee shall properly maintain each mitigation tree and shall replace any tree failing to survive due to a lack of proper care and maintenance with a tree meeting the specifications set forth above. The two-year maintenance period will begin upon receipt of a letter from the permittee or consulting arborist to the Director of Regional Planning and the County Forester, indicating that the mitigation trees have been planted. The maintenance period of the trees failing to survive two (2) years will start anew with the new replacement trees. Subsequently, additional monitoring fees shall be required.
15. All mitigation Oak trees planted as a condition of this permit shall be protected in perpetuity by the Los Angeles County Oak Tree Ordinance once they have survived the required maintenance period.

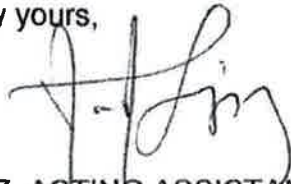
NON-PERMITTED ACTIONS AND VIOLATIONS:

16. Encroachment within the protected zone of any additional tree of the Oak genus on the project site is prohibited.

17. Should encroachment within the protected zone of any additional tree of the Oak genus on the project site not permitted by this grant result in its injury or death within two (2) years, the permittee shall be required to make a contribution to the Los Angeles County Oak Forest Special Fund in the amount equivalent to the Oak resource damage/loss. Said contribution shall be calculated by the consulting arborist and approved by the County Forester according to the most current edition of the International Society of Arboriculture's "Guide for Plant Appraisal."
18. No planting or irrigation system shall be installed within the dripline of any Oak tree that will be retained.
19. Utility trenches shall not be routed within the protected zone of an Oak tree unless the serving utility requires such locations.
20. Equipment, materials and vehicles shall not be stored, parked, or operated within the protected zone of any Oak tree. No temporary structures shall be placed within the protected zone of any Oak tree.
21. Violations of the conditions of this grant shall result in immediate work stoppage or in a notice of correction depending on the nature of the violation. A time frame within which deficiencies must be corrected will be indicated on the notice of correction.
22. Should any future inspection disclose that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be held financially responsible and shall reimburse the County of Los Angeles Fire Department, Forestry Division, for all enforcement efforts necessary to bring the subject property into compliance.

If you have any additional questions, please contact this office at (818) 890-5758.

Very truly yours,



J. LOPEZ, ACTING ASSISTANT CHIEF, FORESTRY DIVISION
PREVENTION SERVICES BUREAU

JL:jl

Enclosure



Los Angeles County
Department of Regional Planning
Planning for the Challenges Ahead



OAK TREE PERMIT BURDEN OF PROOF

Please identify the number of oak trees proposed for:

____ Removal 14 Encroachment 8 To Remain 22 Total existing oak trees

Pursuant to Zoning Code Section 22.56.2100, the applicant shall substantiate the following:

(Do not repeat the statement or provide Yes/No responses. If necessary, attach additional pages.)

A. That the proposed construction or proposed use will be accomplished without endangering the health of the remaining trees subject to Part 16 of Chapter 22.56, if any, on the subject property.

The proposed construction or the proposed use will not endanger the health of the remaining trees on site, a retro-active oak tree permit is being requested due to a violation notice sent to the previous owner dated december 29, 1993 (see enclosed)

B. That the removal or relocation of the oak tree(s) proposed will not result in soil erosion through the diversion or increased flow of surface waters which cannot be satisfactorily mitigated.

That the removal or relocation of the oak tree(s) proposed will not result in soils erosion through the diversion or increase flow of surfaces water which will be satisfactorily mitigated.

C. That in addition to the above facts, at least one of the following findings must apply:

1. That the removal of oak tree(s) proposed is necessary as continued existence at present location(s) frustrates the planned improvement or proposed use of the subject property to such an extent that:
 - a. Alternate development plans cannot achieve the same permitted density or that the cost of such alternative would be prohibitive, or
 - b. Placement of such tree(s) precludes the reasonable and efficient use of such property for a use otherwise authorized, or
2. That the oak tree(s) proposed for removal or relocation interfere with utility service or streets and highways either within or outside of the subject property and no reasonable alternative to such interference exists other than removal of the tree(s), or
3. That the oak tree(s) proposed for removal, with reference to seriously debilitating disease or other danger of falling, is such that it cannot be remedied through reasonable preservation procedures and practices.
4. That the removal of the oak tree(s) proposed will not be contrary to or be in substantial conflict with the intent and purpose of the oak tree permit procedure.

C. Additional Facts;

1. That the removal of oak tree(s) proposed is necessary as continued existence at present location(s) frustrates the planned improvement or proposed use of the subject property to such an extent that:
 - a. Alternate development plans cannot achieve the same permitted density or that the cost of such alternative would be prohibitive, or
 - b. Placement of such tree(s) precludes the reasonable and efficient use of such property for a use otherwise authorized.
2. That the Site will comply with all Building and Safety Requirements for Grading, Drainage and Soils conditions.

Seven Elk Ranch Design Inc.

284 Valley Gate Road • Simi Valley, California 93065
100 Brady Lane • Hamilton, Montana 59840 (mailing address)

Phone (805) 577-8432
E-Fax: (406) 258-0398

Civil Engineer 37396 ❖ Landscape Architect 4035 ❖ Board Cert. Master Arborist WE-1140B ❖ Cert. Tree Risk Assessor PNW-1042

February 12, 2013

Attention: Lenny Werbin
Cypress Equity Investments, LLC
4077 West Third Street, Suite 100
Los Angeles, California 90020

**Subject: Oak Tree Report Supplement
27600 Country Glen Road, Agoura Hills, California**

Dear Mr. Werbin,


We prepared an Oak Tree Report for the site located at 27600 Country Glen Road, Agoura Hills, California, dated September 7, 2010. We concluded that the majority of the oak trees impacted by grading appeared to exhibit generally good health and that they would most likely survive the grading impacts. We also provided recommendations to improve the overall health, safety and long-term aesthetic value of the subject oak trees.

Our evaluation and recommendations have not materially changed since the time of the original field inspection in 2010. We do not have any additional recommendations at this time and continue to support our original findings as presented in 2010.

Though not specifically stated in 2010, our findings considered the future possibility that the driveway would be paved with asphalt. Since the driveway was graded and compacted in 2010, some minor "touch-up" of the driveway path may be required. Some incidental impacts may occur due to the need to access the site and pave the driveway. Therefore, it is our recommendation that an Oak Tree Permit be obtained from the County of Los Angeles to allow encroachment within the protected zone of all 22 native oak trees on the site.

We thank you for the opportunity to be of service with respect to this matter. Please do not hesitate to contact me should further information be required.

Sincerely,



KAY J. GREELEY
President

22 CC 1711



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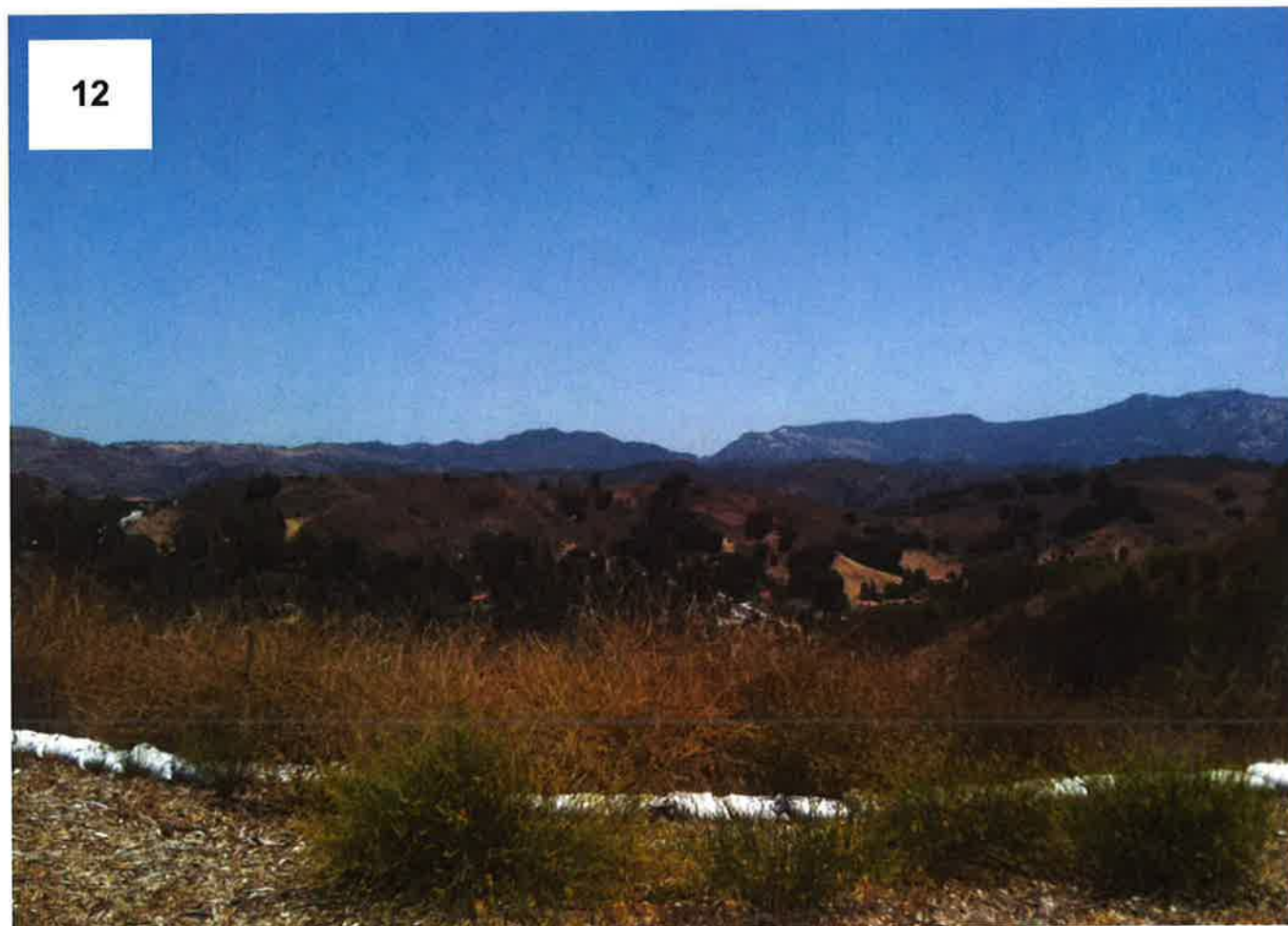
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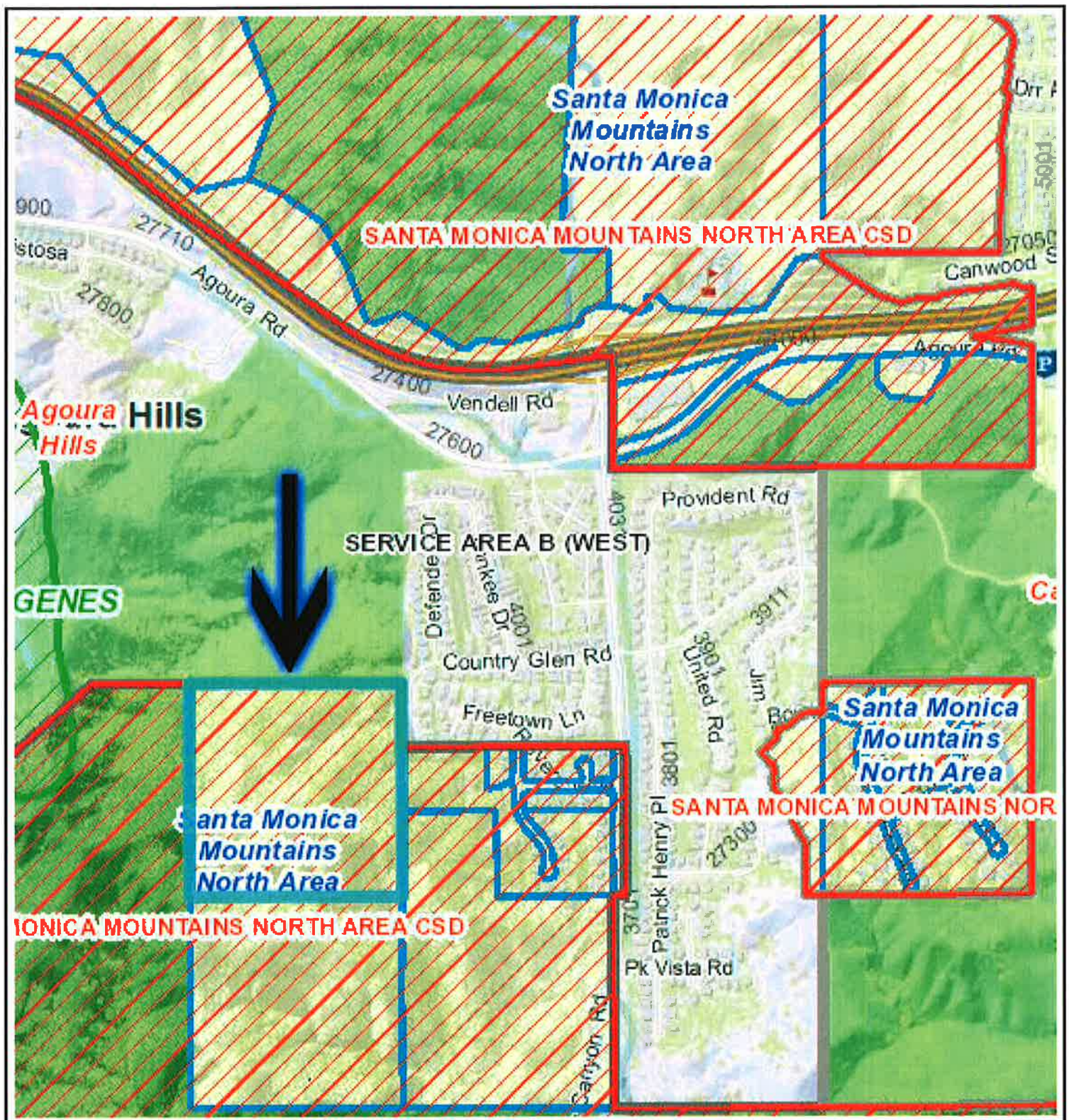


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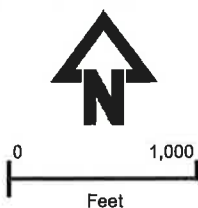




Department of Regional Planning

R2012-00182-(3): GIS Layers Map

Printed: Apr 08, 2013



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